

EJ-18679

PNDI # large projectUSFWS Project # 2011-0956

U.S. FISH AND WILDLIFE SERVICE
315 South Allen Street, Suite 322, State College, PA 16801

This responds to your inquiry about a PNDI Internet Database search that resulted in a potential conflict with a federal status species.

PROJECT LOCATION INFORMATION

County: Beaver
Township: Koppel

MISC INFORMATIONDate received by FWS: 06/29/2011USFWS COMMENTS ☒ FAXED ☐ MAILEDFax #: 904-245-4525To: Matt CangioliAffiliation: CSXSPECIFIC PROJECT: Existing rail line salvaging**FISH AND WILDLIFE SERVICE COMMENT(s):****✓ KNOWN OR POTENTIAL SPECIES OCCURRENCE IN PROJECT AREA**

The following federal status¹ species occur or may occur in or near the project area. Therefore, further consultation or coordination with the Service is necessary prior to permit issuance or project approval.

- | | |
|---|--|
| <input type="checkbox"/> Bog turtle (T) | <input type="checkbox"/> Northeastern bulrush (E) |
| <input type="checkbox"/> Clubshell / northern riffleshell (B) | <input type="checkbox"/> Sheepnose mussel (C) |
| <input type="checkbox"/> Dwarf wedgemussel (E) | <input type="checkbox"/> Small whorled pogonia (T) |
| <input type="checkbox"/> Eastern massasauga rattlesnake (C) | <input type="checkbox"/> Rayed bean mussel (C) |
| <input checked="" type="checkbox"/> Indiana bat (E) | |

☐ Have a qualified biologist *conduct a survey* for the species indicated above. A list of qualified surveyors is available upon request. Send survey results to the Fish and Wildlife Service for review and concurrence.

☐ The survey protocol is attached.

☐ Submit a draft survey proposal to the Service for review and approval.

☒ Based on a review of the project information, including the size of the project area and the anticipated minor effects on forested habitat, the Service has determined that the proposed project is not likely to adversely affect the Indiana bat if the following recommendations are implemented. Removal of trees and forested areas within the project area could result in the direct take of roosting Indiana bats, which could be injured or killed when trees are cut; therefore, *tree-cutting activities should be carried out from November 16 to March 31*, during which time bats are hibernating. If this recommendation cannot be implemented, further consultation with the Service will be necessary.

☐ To avoid potential adverse effects on endangered freshwater mussels, do not construct any oil or gas wells, roads, or pipelines within 300 feet of French Creek or the Allegheny River, or within 100 feet of any tributaries to French Creek or the Allegheny River (including perennial, intermittent, and ephemeral streams).

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in accordance with the Service's *Guidelines for Bog Turtle Surveys*. Send survey results to the Service for review and concurrence.

**** Due to the skill required to correctly identify potential bog turtle habitat, we recommend that the Phase 1 survey be done by a qualified bog turtle surveyor (Phase 2 bog turtle surveyor list available upon request). If the Phase 1 survey is done by someone who is not on this list, it is likely that a site visit by a Fish and Wildlife Service biologist will be necessary to verify their findings. Due to the limited availability of staff from this office, such a visit may not be possible for some time. Use of a qualified surveyor will expedite our review of the survey results.**

PLEASE CONTACT THIS OFFICE TO ARRANGE FOR A MEETING OR SITE VISIT.

This determination is valid for two years from the date of this letter. In addition, this response relates only to federally listed, proposed, and candidate species under our jurisdiction, based on an office review of the proposed project's location and anticipated impacts. No field inspection of the project area has been conducted by this office. Consequently, comments on this form are not to be construed as addressing other Service concerns under the Fish and Wildlife Coordination Act or other authorities.

This review was conducted by the biologist listed below. He/she can be contacted at 814-234-4090.

☒ Pamela Shellenberger (x 241) ☐ Bonnie Dershem (x 234) ☐ Robert Anderson (x 228)
☐ Melinda Turner (x 227)

SIGNATURE: _____


Supervisor, Pennsylvania Field Office

DATE: _____

8/2/11

¹ E = Federally listed as endangered under the Endangered Species Act
T = Federally listed as threatened under the Endangered Species Act
C = Designated as a candidate for listing under the Endangered Species Act